/93 cont'd/

587 [604] The customary proceedings of the marriage of a widow then are very simple; the maternal uncle who plays the most important role at the marriage of girls does not even appear. The great preoccupation of the T'ou-jen in the marriage of a widow is to take her away from a rival /94/ and to conduct her without let or hindrance to her new domicile.

6. Two Typical Abductions of Widows

587 583 The following incidents throw a true light on the T'ou-jen way of thinking concerning the marriage of widows.

At the place Souo-pou-keou lived a widow of a certain Hla Rong. A Tchang of Ki-kia-lin, wishing to marry her, learned that he was too late; the widow had already given her consent to another and had exchanged tokens with him. Tchang wanted her at any price. He proposed therefore to abduct her by force, then to get in touch with the family of the former parents-in-law of the widow to give them the earnest. If such affairs are taken to court, reimbursement of the earnest is required from the abductors, then the woman is [671] granted to them. These abductions are thus recognized by the law. Tchang calls upon the help of about 30 trustworthy men, well armed, to take away the widow from the hands of his rival's band the night when the rival would take her to his home. The abductors were at their post, but the other band did not arrive. Believing therefore that they had been fooled, they decided to go to the widow's house, take it by assault, and abduct the widow.

Tchang counted as head of his band the widow's nephew, who could inform them about the arrangement of the house. They burst into the courtyard, they force the doors, they gag the woman, four of them carry her outside, they put her on the horse, and they flee [492] hurriedly. Meanwhile the nephew had been taking care of the dogs and had opened the great door.

The journey went on in the greatest silence. After 15 kilometers of forced march they arrived home, removed the gag from the woman, and untied her hands. What was their surprise when in

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587 he could rely on, came to abduct the newly married widow in broad
583 daylight. It is probable that she consented to being abducted; for living with her new husband for a month, she had been able to judge him. It is equally probable that the go-betweens and the former parents-in-law of the widow were in on it; perhaps the neighbors who did not sympathize with Tchao were not strangers to it either, for they did not budge when the people came to abduct the widow.
[672] Tchao goes to the Chinese city to bring suit. The Chinese judgment was the following: The widow must be sent back to her parents' home and neither Tchao nor Tchang may marry her.

According to T'ou-jen custom, the woman would have had to stay with Tchang, and Tchao by reason of not having paid the agreed-upon sum in time lost entirely all right over the widow.

7. Vestiges of Marriage by Abduction among the T'ou-jen

587 One can conclude from the preceding that nowadays the pur-
671 chase of the wife by the husband is the legal form of marriage, while
582 also recognizing as legal the abduction of a widow, on condition that the owners be indemnified.

583 One can believe that formerly the custom of abduction must have been general and that it was practiced for marriages of girls. Indeed, numerous vestiges of abduction are found in the customs surrounding the marriage of girls. When the son-in-law with his companions comes to get the bride, why does he find the door of the house shut? Why is it necessary to end up by breaking it in and receiving an avalanche of water on the head? This certainly is an assault on the girl's dwelling. When they sing at the door and ask that it be opened, one feels that this way is not natural and that in addition there is no sense to it. Besides, the song has nothing in it that is prescribed, when everything else in the customs is clearly fixed, even the speeches that are made. Why this thick veil /97/ which envelops the bride's head and which does not allow her to see; it is even tied around the neck with a red cord. Is it not to bandage the eyes of a person who is being abducted? At the moment of carrying the bride outside, why this abruptness, the door of the room which

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588 Chinese of Honan, accompanied by an uncle of the lady formerly
593 married to the belt, accosted Hou Iu-leang and reproached him for having taken his wife. The latter no longer recognized the individual; but, since he had a witness, since the child was formerly called by his name and the mother had also born this name, the supposed husband felt himself very much within his rights and threatened Mr. Hou with a lawsuit.

/133/ Hou, fearing the heavy expenses of the Chinese courts and not sure of a fair verdict, preferred to settle the affair amicably. He called upon the heads of the village and those of his clan, and the conclusion was that Hou had to pay the unknown man 80 strings of cash and that the father who had sold his daughter had to offer him a sheep and make apologies to him. This story thus proves that this category of marriages is officially recognized among the T'ou-jen.

/134/ Chapter IV

Divorce, Repudiation, Exchange of Wives

586 One can expect divorces and repudiations, owing to the too
184 great freedom which exists between the sexes. These two forms of termination of marriage rarely occur when there are several children in the family. Repudiation occurs more rarely than divorce, and the latter is not so frequent as one might suppose at first sight. Let us still remember that divorce and repudiation, like all the great acts
671 of life, marriage, adoption, etc., are effected without the intervention of law courts. As long as they can arrange things among themselves, they do not resort to the law; they call upon its help when all other means of conciliation are exhausted.

5:Schram M-5 (1911-1922)1961 AE9 Monguor AE9

wan (the bent of the Mongols), and who was assistant official of the administrative body of the province of Kansu, representing all the officials of Huangchung, went to court to surrender (*Annals* of Hsining 27: 9*b*). Together with him, Li Nan-ko, of Shat'o origin, vice-chairman of the administrative body of Hsining, surrendered with the officials of the entire district (*Annals* of Hsining 31: 9; *Annals* of Kansu 42: 46*b*), and all the officials received appointments.[61] T'o-erh-chih-shih-chieh, Li Nan-ko, and all the officials who had surrendered, became the founding ancestors of the t'u-ssu clans[62] in Huangchung (Monguors I: 31). To them is to be added Ch'i Kung-k'o-hsing-ch'i, member of the imperial family who had surrendered in 1369. In that way all the officials of the region of Hsining and Nienpei had surrendered and in the next year, 1372, Hsining was created a commandery (*Annals* of Hsining 31: 9*b*). In the first moon of 1373 the emperor sent the edict to T'o-erh-chih-shih-chieh:

> I govern the empire; with prominent people of all the world who love justice, I deal with courtesy, granting them offices, in order that they might have the opportunity to manifest their qualities. You, T'o-erh-chih-shih-chieh, who have lived long in the western country, have heard about our highly developed culture and have come to my court. I appreciate your intention. Now at the beginning of the establishment of the commandery of Hsining, I especially request your help. I hope you will devote yourself wholeheartedly to the submission of the tribes and the strict observance of the law, in order that the country may enjoy peace. I hope you will respond to my desire to give you this appointment. Have the title of Hsuan-wei chiang-chun (general who manifests his military qualities) and be commander of the commandery of Hsining. Edict, First moon, Sixth year, Hung Wu period. (*Annals* of Hsining 32: 16*a*.)

The *Annals* note that he had received at the time of his surrender in 1371 the hereditary function of secretary commandant. The imperial edict of the first moon of 1373 granted him the function of commander of the commandery. The clan of T'o-erh-chih-shih-chieh was rewarded in 1401 by the emperor with the name Ch'i, when his son Chuan Chou had died on the field of battle.

WHO WERE THE OFFICIALS WHO SURRENDERED IN A GROUP IN 1371?

The Mongol T'o-erh-chih-shih-chieh and his 700 families, the Shat'o Li Nan-ko with his 4,000 families, the Shat'o Li Wen nephew of Li Nan-ko, controlling 963 families, and the Shat'o chiefs Na-sha-mi and Chi

[61] *Ming Shih* 330: 2*a*.

[62] I use the term "clan" to refer to a group sharing a common territory, a common surname, and a common chief. Monguor clans consist both of persons who recognize real or traditional kinship ties with the chief, and persons who do not recognize such ties but who have, nevertheless, adopted the surname of the chief and his kinsmen at the time they were integrated in the group.